

**To:** CN=Christine Psyk/OU=R10/O=USEPA/C=US@EPA[]  
**Cc:** CN=Jayne Carlin/OU=R10/O=USEPA/C=US@EPA;CN=Jennifer Wu/OU=R10/O=USEPA/C=US@EPA[]; N=Jennifer Wu/OU=R10/O=USEPA/C=US@EPA[]  
**From:** CN=David Powers/OU=R10/O=USEPA/C=US  
**Sent:** Wed 12/19/2012 12:15:47 AM  
**Subject:** Re: Fw: Communications Plan & cc's for Cover Letter on EPA/NOAA's Initial Assessment (under CZARA Settlement Agreement)  
NRS-#700487-v1-NW Env'tl - Fully Executed Settlement Agreement.PDF  
 (embedded image)

Christine - 1) suggested edits and questions re: the Desk Statement.

2) Given our discussion on who needs to receive a copy of the initial assessment letter at Dan's briefing, I excerpted and inserted below two provisions from the settlement agreement (and an attached pdf copy of the agreement) which could lead to a different list depending on how "all notices" is interpreted.

Draft Desk Statement – EPA and NOAA Early Input Initial Assessment of to Oregon DEQ on efforts progress to date to put in place on development of nonpoint a State program for controlling nonpoint sources of pollution in Oregon's coastal management zone, including management measures that will achieve water quality standards.

On January 6, 2009, Northwest Environmental Advocates (NWEA) sued EPA for not taking final action required under the Coastal Zone Act Reauthorization Amendments (CZARA) of 1990. (IS FILING a NOI to SUE the SAME THING AS SUING? We settled based on the NOI filed with the court...so its probably the same thing as suing?) CZARA requires coastal states to develop and implement adopt coastal nonpoint source pollution control programs to protect water quality. CZARA also requires EPA and NOAA to withhold a percentage of Clean Water Act and Coastal Zone Management Act (CZMA) monies from states that fail to adopt such programs. While Oregon had some has many of the pieces of such a program in place, Oregon did does not have all the pieces necessary for a full approval from EPA and NOAA.

On A September 2012 29 (if the settlement agreement was filed or accepted by the court on the 29th keep it in, other wise say Sept. 2010 or just 2010 because there are different dates on the agreement) settlement agreement between EPA, NOAA and NWEA signed an agreement that the U.S. Department of Justice and NWEA counsel committed EPA and NOAA to either approve all of the remaining pieces of an approvable Oregon's Coastal Nonpoint Source Pollution Control program or to disapprove the State's program and to begin withholding funding to the State by May 15, 2014. The remaining pieces of an approvable program include: 1) management measures for septic systems; 2) management measures for new development; and 3) additional management measures for forestry. EPA and NOAA are to must make their decision to approve or disapprove Oregon's program by May 15, 2014

Oregon has identified and made progress on a number of efforts ways to achieve a fully approvable program, including development and adoption of an implementation ready TMDL in the Mid-Coast Basin. and additional management measures for forestry. Today's (or date of letter) EPA and NOAA initial assessment letter to Oregon speaks to the progress Oregon is making to achieve the goal of a fully approvable coastal nonpoint source pollution control program. Our goal is and has been to work collaboratively with Oregon as they take the necessary steps to put in place the pieces of a fully approvable program. The letter acknowledges that Oregon is behind schedule on some of its commitments and requests that Oregon accelerate its efforts in a number of areas, including developing additional best management practices for protection of riparian and landslide prone areas and a requirement for addressing forest road water quality problems. , forest roads, and protection for riparian areas, etc. The letter provides recommendations to Oregon on how best to that would facilitate compliance with the remaining three pieces of an approvable CZARA program. by the deadlines established in the settlement agreement.

Settlement Agreement provisions related to who we should send the letter to.

5. By December 31, 2012, pursuant to their authorities under 16 U.S.C. § 1455b(d), and based upon Oregon's July 2, 2010, Attorney General's Opinion, the July 26, 2010, ODEQ commitment letter, the schedule for implementing the Oregon Coastal TMDL approach that EPA and NOAA requested the state submit by March 31, 2011, the Mid-Coast Basin TMDLs implementing the Oregon Coastal TMDL Approach that EPA and NOAA requested the state to submit by June 30, 2012, and any other information, EPA and NOAA shall provide ODEQ with a written initial

assessment. This written initial assessment will evaluate (a) whether implementation of the Oregon Coastal TMDL Approach in the Mid-Coast Sub-basins, including the safe harbor BMPs, is likely to result in actions that achieve and maintain water quality standards, and (b) whether Oregon's plan for developing and updating TMDLs for all sub-basins in the CNPCP management area using the Oregon Coastal TMDL Approach could satisfy the outstanding forestry condition on Oregon's CNPCP under 16 U.S.C. § 1455b(b)(3). In developing their initial assessment, EPA and NOAA shall consider any comments Plaintiff may have submitted with respect to ODEQ's proposed TMDLs and BMPs. EPA and NOAA shall send a copy of the written initial assessment to Plaintiff.

10. Any notices required or provided for by this Agreement shall be in writing, effective upon receipt, and sent to the following:

For Northwest Environmental Advocates:

Paul A. Kampmeier, Staff Attorney  
Washington Forest Law Center  
615 Second Avenue, Suite 360  
Seattle, Washington 98104

Allison LaPlante  
Pacific Environmental Advocacy Center  
Lewis and Clark Law School  
10015 SW Terwilliger Blvd  
Portland, Oregon 972 1 9

Nina Bell, Executive Director  
Northwest Environmental Advocates  
P.O. Box 12187  
Portland, Oregon 97212-0187

There is also a list of EPA, NOAA and DOJ folks who are supposed to receive "notices" related to the agreement in the attached settlement agreement on page 13.

----- Forwarded by Ankur Tohan/R10/USEPA/US on 09/27/2010 08:03 AM -----

Kris

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David Powers  
Regional Manager for Forests and Rangelands  
USEPA Region 10, OOO  
805 SW Broadway, Suite 500  
Portland, OR 97205  
503-326-5874  
powers.david@epa.gov

From: Christine Psyk/R10/USEPA/US  
To: David Powers/R10/USEPA/US@EPA  
Date: 12/18/2012 08:28 AM  
Subject: Fw: Communications Plan & cc's for Cover Letter on EPA/NOAA's Initial Assessment (under CZARA Settlement Agreement)

Any input on the desk statement?

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Christine Psyk  
Associate Director

EPA Region 10 Office of Water and Watersheds  
(206) 553-1906

<http://www.epa.gov/r10earth>

----- Forwarded by Christine Psyk/R10/USEPA/US on 12/18/2012 08:27 AM -----

From: Christine Psyk/R10/USEPA/US

To: Jayne Carlin/R10/USEPA/US@EPA

Cc: Dan Opalski/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, David Powers/R10/USEPA/US@EPA, Helen Rueda/R10/USEPA/US@EPA, Jennifer Wu/R10/USEPA/US@EPA

Date: 12/17/2012 03:10 PM

Subject: Re: Communications Plan & cc's for Cover Letter on EPA/NOAA's Initial Assessment (under CZARA Settlement Agreement)

Jayne, thanks. Will you or someone else be providing the phone numbers for the folks to that we will be calling? It would help. I took a shot at a draft desk statement. Tried to make it more user friendly. Want to make sure that it is accurate (not precise, mind you), but accurate. So, take a look and give me feedback before I sent it on to Mark MacIntyre.

[attachment "Draft Desk Statement--CZARA check-in.docx" deleted by David Powers/R10/USEPA/US]

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Christine Psyk

Associate Director

EPA Region 10 Office of Water and Watersheds

(206) 553-1906

<http://www.epa.gov/r10earth>

From: Jayne Carlin/R10/USEPA/US

To: Dan Opalski/R10/USEPA/US@EPA, David Croxton/R10/USEPA/US@EPA, Christine Psyk/R10/USEPA/US@EPA, Jennifer Wu/R10/USEPA/US@EPA, Helen Rueda/R10/USEPA/US@EPA, David Powers/R10/USEPA/US@EPA

Date: 12/17/2012 12:38 PM

Subject: Communications Plan & cc's for Cover Letter on EPA/NOAA's Initial Assessment (under CZARA Settlement Agreement)

Hi Dan,

Regarding cc's to the letter, Bill Blosser is still the Chair of OEQC through 6/30/2013. See <http://www.deq.state.or.us/about/eqc/eqcmembers.htm>

You are correct. We only need to include Nina Bell in the cc's as the plaintiff.

Attached is the initial Communication Plan. Please review with focus on key messages and communications table.

[attachment "Communication Plan CZARA Initial Assessment 12-17-12.docx" deleted by Christine Psyk/R10/USEPA/US]

Cheers,

Jayne

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Jayne Carlin, Watersheds Unit

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<http://www.epa.gov/r10earth/tmdl.htm>